

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,**

**v.**

**5:05-CR-433  
(FJS)**

**ROBERT J. ORMSBEE,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

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STATES ATTORNEY**

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Attorneys for the United States

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**OFFICE OF THE FEDERAL  
PUBLIC DEFENDER**

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Attorneys for Defendant

**LISA A. PEEBLES, AFPD**

**SCULLIN, Chief Judge**

**ORDER**

On November 3, 2005, Magistrate Judge Lowe ordered Defendant Robert J. Ormsbee committed to the custody of the Attorney General of the United States for a psychiatric/psychological examination to determine his mental competency pursuant to 18 U.S.C. §§ 4241, 4247. *See* Dkt. No. 7.

On January 24, 2006, Magistrate Judge Lowe received a forensic report from Dr. Christine Scronce, Ph.D., a forensic psychologist at the Federal Medical Center, in Devens,

Massachusetts. *See* Dkt. No. 8.<sup>1</sup> In her report, Dr. Scronce concluded, among other things, that Defendant "does not presently suffer from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him, or to assist properly in his defense." *See id.* at 8-9.<sup>2</sup> Magistrate Judge Lowe promptly made this report available to the Government and to Defendant's counsel.

Having concluded that Defendant had received an adequate psychological examination, Magistrate Judge Lowe held a competency hearing on February 2, 2006, pursuant to 18 U.S.C. §§ 4241(c) and 4247(d), at which he heard from the Government, Defendant's counsel and Defendant.

On February 7, 2006, Magistrate Judge Lowe issued a Report-Recommendation, in which he found that, based upon his personal observations of Defendant as well as Dr. Scronce's report, "Defendant does not suffer from either a mental disease or defect that renders him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." *See* Report-Recommendation, dated February 7, 2006, at 3. He also noted that "at the hearing, Government counsel, defense counsel, and Defendant agreed with this finding." *See id.* Therefore, he recommended that this Court make the same finding.

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<sup>1</sup> Due to the sensitive nature of the medical information contained in Dr. Scronce's report, it has been filed under seal.

<sup>2</sup> Dr. Scronce based her conclusion on (1) the observations of the clinical and correctional staff at the Federal Medical Center in Devens, Massachusetts, of Defendant during his stay there; (2) a physical examination of Defendant, including laboratory studies; (3) multiple psychiatric consultations with Defendant; Dr. Scronce's multiple clinical interviews of Defendant; and Defendant's responses to the Minnesota Multiphasic Personality Inventory-2 psychological test. *See* Dkt. No. 8 at 2.

After carefully considering Magistrate Judge Lowe's February 7, 2006 Report-Recommendation, the relevant parts of the record, and the applicable law, and the parties having filed no objections to the Report-Recommendation, the Court hereby

**ORDERS** that Magistrate Judge Lowe's Report-Recommendation, dated February 7, 2006, is **ADOPTED** in its entirety for the reasons stated therein; and the Court further

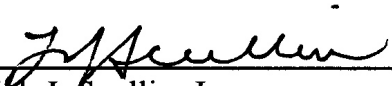
**ORDERS** that the prosecution of this matter shall proceed based upon the Court's finding that Defendant Ormsbee is competent to proceed; and the Court further

**ORDERS** that the parties shall file any motions on or before **April 3, 2006**, and shall make these motions returnable on **May 12, 2006**; and the Court further

**ORDERS** that, if the parties do not file any motions, the trial of this matter will commence on **April 10, 2006**.

**IT IS SO ORDERED.**

Dated: March 9, 2006  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Chief United States District Court Judge